

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

FILED

September 25, 2026

ASHLEY N. DEEM, CHIEF DEPUTY CLERK
INTERMEDIATE COURT OF APPEALS
OF WEST VIRGINIA

**CHRIS H.,
Respondent Below, Petitioner**

v.) No. 26-ICA-103 (Fam. Ct. Wyoming Cnty. Case No. FC-55-2025-D-107)

**LISA H.,
Petitioner Below, Respondent**

MEMORANDUM DECISION

Petitioner Chris H.¹ (“Husband”) appeals the Family Court of Wyoming County’s bifurcated divorce order entered March 11, 2026. Respondent Lisa H. (“Wife”) filed a summary response in support of the family court’s order.² Husband did not file a reply.

This Court has jurisdiction over this appeal pursuant to West Virginia Code § 51-11-4 (2026). After considering the parties’ arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the family court’s order is appropriate under Rule 21 of the West Virginia Rules of Appellate Procedure.

The parties were married on June 4, 1991, and share one minor child. The parties separated on August 6, 2025, and Wife filed for divorce on August 28, 2025. The family court held an initial hearing on October 29, 2025, at which the court named Wife the primary residential parent of the minor child on a temporary basis, awarded Wife the marital residence, and ordered Husband to pay Wife \$500.00 per month in temporary spousal support beginning November 1, 2025. The family court held a second hearing on January 5, 2026, at which time Wife, by counsel, moved the court not to finalize the divorce at that time as Husband had failed to file an answer in the matter and he had also failed to provide his address to the court so that discovery could be completed. The family court granted Wife’s motion and awarded Wife a judgment of \$1,500.00, representing the past due spousal support payments. Husband filed an answer to the petition for divorce following this hearing.

¹ To protect the confidentiality of the juvenile involved in this case, we refer to the parties’ last name by the first initial. *See, e.g.*, W. Va. R. App. P. 40(e); *State v. Edward Charles L.*, 183 W. Va. 641, 645 n.1, 398 S.E.2d 123, 127 n.1 (1990).

² Husband is self-represented. Wife is represented by Kayla N. Hicks, Esq.

The family court held another hearing on March 9, 2026. At this hearing, Wife, by counsel, again moved the court not to make the hearing a final hearing because Husband had refused to accept service of Wife's request for discovery, and Husband had continued to willfully violate the court's prior orders. Accordingly, the family court found good cause to bifurcate the divorce proceeding prior to resolving issues relating to support and distribution of property. The court granted the parties' a divorce on the grounds of irreconcilable differences and granted Wife a judgment against Husband in the amount of \$2,500.00 for unpaid temporary spousal support. The court further granted the parties a mutual restraining order and ordered all remaining issues bifurcated and held in abeyance until the final hearing scheduled for June 9, 2026. The family court entered the bifurcated divorce order on March 11, 2026. It is from this order that Husband now appeals.

When reviewing the order of a family court, we apply the following standard of review:

When a final order of a family court is appealed to the Intermediate Court of Appeals of West Virginia, the Intermediate Court of Appeals shall review the findings of fact made by the family court for clear error, and the family court's application of law to the facts for an abuse of discretion. The Intermediate Court of Appeals shall review questions of law de novo.

Syl. Pt. 2, *Christopher P. v. Amanda C.*, 250 W. Va. 53, 902 S.E.2d 185 (2024); *accord* W. Va. Code § 51-2A-14(c) (2005) (specifying standards for appellate court review of family court orders).

We note at the outset that Husband's brief fails to comply with Rule 10(c)(7) of the West Virginia Rules of Appellate Procedure because it fails to contain an argument pointing to the law or authority relied on or "appropriate and specific citations to the record on appeal, including citations that pinpoint when and how the issues in the assignments of error were presented to the lower tribunal." As we have previously acknowledged, we cannot consider indecipherable arguments made in appellate briefs. *See Vogt v. Macy's, Inc.*, 22-ICA-162, 2023 WL 4027501, at *4 (W. Va. Ct. App. June 15, 2023) (memorandum decision) (citing *State v. Lilly*, 194 W. Va. 595, 605 n.16, 461 S.E.2d 101, 111 n.16 (1995) (explaining that appellate courts frequently refuse to address undeveloped, perfunctory, or cursory arguments on appeal)). However, we have examined the briefs and the limited appendix record provided, and we will address Husband's assignments of error to the extent possible. *See Kevin D. v. Alexandria D.*, No. 23-15, 2024 WL 2946662, at *2 (W. Va. June 10, 2024) (memorandum decision).

On appeal, Husband asserts five assignments of error, several of which are similar or closely related, that we have consolidated where appropriate for efficiency and clarity of our review. Husband has two assignments of error concerning Wife requesting spousal support from him and his inability to pay her due to his limited income. Husband argues

that his only source of income is from Social Security Disability benefits and he is currently unable to pay Wife the temporary spousal support ordered by the court. Additionally, Husband asserts assignments of error concerning the custodial allocation of the minor child and retaining his personal possessions from the marital home.

The family court awarded temporary spousal support to Wife and named her the primary residential parent of the minor child on a temporary basis during the October 29, 2025, hearing. However, at the time of this appeal, the family court had not yet issued final orders addressing the issues of spousal support and child custody. Further, the bifurcated divorce order entered March 11, 2026, now on appeal states that “the issue of property shall be held in abeyance pending further hearing.”

West Virginia Code § 51-11-4(b)(2) (2024) provides that, “[u]nless specifically provided otherwise in this article,” the Intermediate Court of Appeals (“ICA”) has appellate jurisdiction over “[f]inal judgments or orders of a family court, entered after June 30, 2022, except for final judgments or final orders issued by a family court in any domestic violence proceeding pursuant to § 48-27-101 *et seq.* of this code, which appeals shall first be made to a circuit court[.]” Additionally, West Virginia Code § 51-11-4(d)(8) states that the ICA “does not have appellate jurisdiction over ... [i]nterlocutory appeals” outside of the limited exception found in West Virginia Code § 48-9-203(f) (2022), which grants the ICA limited appellate jurisdiction over certain temporary child custodial allocation orders. However, this exception is inapplicable in this matter.

The only issue the family court finalized in the order entered March 11, 2026, was the divorce itself. *See* W. Va. R. Prac. & Pro. for Fam. Ct. 53. All other issues, including spousal support, allocation of custodial responsibility, and equitable distribution remain pending before the family court. As such, Husband’s first four assignments of error are outside of this Court’s jurisdiction; therefore, we decline to address them in this appeal.³

Lastly, Husband raises allegations against the family court judge and further requests that a new judge be appointed to preside over his case.⁴ Husband alleges that he was treated unfairly by the family court judge because of his gender. However, Husband’s assignment of error contains several general and conclusory statements without any specific reference or supporting explanation. Husband failed to articulate how the family court abused its discretion or acted erroneously. “To preserve an issue for appellate review, a party must articulate it with such sufficient distinctiveness to alert a [reviewing] court to

³ This decision does not preclude Husband from appealing these issues once the family court renders a final decision on the matters in question.

⁴ Husband did not file a motion to disqualify the family court judge below, and motions regarding judicial misconduct are not within this Court’s jurisdiction. *See* W. Va. R. Prac. & Proc. for Fam. Ct. 58.

the nature of the claimed defect.” Syl. Pt. 2, *State ex rel. Cooper v. Caperton*, 196 W. Va. 208, 470 S.E.2d 162 (1996). Therefore, we decline to rule on this assignment of error.

Accordingly, we affirm the family court’s March 11, 2026, order.

Affirmed.

ISSUED: September 25, 2026

CONCURRED IN BY:

Chief Judge Daniel W. Greear
Judge Charles O. Lorensen
Judge S. Ryan White